

## **IC 5-2-2**

### **Chapter 2. Law Enforcement Academy Building Commission**

## **IC 5-2-2-1**

### **Creation; powers**

Sec. 1. There is hereby created as a public body corporate and politic a Law Enforcement Academy Building Commission. Said commission shall have power to sue and be sued, plead and be impleaded, adopt and have a corporate seal, make rules and by-laws for the management and regulation of its affairs, and to do all things necessary or convenient to carry out the powers given in this chapter. *(Formerly: Acts 1971, P.L.43, SEC.1.)*

## **IC 5-2-2-2**

### **Membership**

Sec. 2. The commission shall consist of six (6) members appointed by the governor. Such appointments shall be made by May 7, 1971, and shall be made on a bipartisan basis so that not more than one-half (1/2) of the members of the commission shall at any time be members of either of the two (2) major political parties. In the first instance, two (2) members shall be appointed for a term of two (2) years, two (2) for three (3) years, and two (2) for four (4) years, and the members of said commission shall be appointed for a term of four (4) years, excepting when appointed to fill a vacancy, in which case such appointment shall be only for such unexpired term. All members of said commission shall serve as such until their successors are duly appointed and qualified and shall be subject to removal only for good cause.

*(Formerly: Acts 1971, P.L.43, SEC.1.) As amended by P.L.25-1986, SEC.8.*

## **IC 5-2-2-3**

### **Meetings; officers and employees**

Sec. 3. The commission shall meet immediately after its appointment in accordance with section 2 of this chapter. It shall elect a chairman, vice chairman, and secretary-treasurer and is authorized to employ an executive director who shall be the executive head and shall be responsible to the commission in carrying out the instructions of the commission as it fulfills the assigned statutory duties. The commission shall be empowered to employ all other necessary assistants, counsel, and consultants to carry out the provisions of this chapter. The commission shall meet at least once each year and shall hold upon the call of the chairman, or a majority of the members, such special meetings as are necessary. The presence of four (4) members shall constitute a quorum for doing business. At least four affirmative votes shall be required for the passage of any matter put to vote of the commission.

*(Formerly: Acts 1971, P.L.43, SEC.1.) As amended by Acts 1979, P.L.32, SEC.1.*

#### **IC 5-2-2-4**

##### **Compensation**

Sec. 4. Members of the commission shall be allowed and paid per diem and travel expenses incurred in connection with the affairs of the commission but shall receive no further or additional compensation. Membership on the commission shall not constitute holding of a public office.

*(Formerly: Acts 1971, P.L.43, SEC.1; Acts 1973, P.L.31, SEC.1.)*

#### **IC 5-2-2-5**

##### **Site acquisition or selection**

Sec. 5. The commission is hereby authorized to acquire or select a site located in the State of Indiana and construct and erect thereon a building or buildings to be used by the Law Enforcement Training Board created by IC 1971, 5-2-1, for a Law Enforcement Academy. The site so selected may be on land already owned by the state, or if no such site is deemed by the commission suitable or available, the commission may acquire a site either by purchase, gift or condemnation as hereinafter provided. If a site of land already owned by the state is selected, the commission shall have authority, if necessary, to clear and prepare such site for the construction and erection thereon of such building or buildings. In addition to constructing such building or buildings, the commission shall also install therein any and all equipment, appurtenances and paraphernalia which may be necessary to constitute a fully equipped and modern law enforcement academy. If found necessary, the commission shall also improve, landscape, embellish and beautify such grounds, and lay out and install such walks, drives, fences and other necessary appurtenances as may be deemed essential to produce an integrated and artistic setting. Except as herein otherwise provided, the location and area of the lands acquired and the character of the buildings, structures, embellishments, ornamentation, equipment and other appurtenances therein or thereon shall be determined by the commission.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

#### **IC 5-2-2-6**

##### **Eminent domain**

Sec. 6. The law enforcement academy building commission is hereby endowed with the right and power of eminent domain insofar as such right or power may be necessary or proper to carry out the provisions of section 5 of this chapter. If the commission shall be unable to agree with the owner of the land or right or with the guardian of such owner as to the damages sustained by such owner or as to the purchase price of the land or right, the commission may proceed in the name of the state of Indiana in the exercise of the right of eminent domain, with which it is under this chapter endowed, to condemn the land or right necessary or proper to carry out the provisions of this chapter under the laws of this state. Whenever the commission shall deem it necessary to acquire any real estate or right

for any purpose contemplated in this chapter, it may adopt an appropriate resolution setting forth the description of the real estate or right sought to be acquired by it, the purpose for which the real estate is to be used, and such other facts as the commission may deem necessary or pertinent, and shall refer such resolution to the attorney general. Thereupon the attorney general shall commence an action in the name of the state of Indiana in the circuit or superior court of the county in which such real estate or right described in such resolution is situated and shall take all necessary and proper steps to secure the condemnation of such real estate or right. Any employee of the commission engaged in the execution of any survey authorized by the commission may enter any lands or waters within this state for the purpose of inspecting, leveling, or doing any other work deemed necessary to carry out any of the provisions of this chapter; provided, however, that by such entry and in doing such work no injury is done to the real estate or waters entered upon and that no damages result from such entry or work.

*(Formerly: Acts 1971, P.L.43, SEC.1.) As amended by P.L.25-1986, SEC.9.*

#### **IC 5-2-2-7**

##### **Design adoption**

Sec. 7. The commission shall procure and adopt a design for the erection and construction of such building or buildings. For the purpose of securing designs, the commission shall employ an architect of known skill and ability in his profession as its architect.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

#### **IC 5-2-2-8**

##### **Competitive bids**

Sec. 8. Upon completion by the architect, or architects, and the approval by the commission of these plans and specifications, the commission shall at one time or from time to time advertise for and receive competitive bids for the construction and equipment of the building or buildings. Upon receipt of such bids, the commission shall then proceed to award a contract, or contracts, to the lowest and best bidder, or bidders. The procedure for advertising, receiving bids, and awarding contracts shall conform to all state laws applicable thereto.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

#### **IC 5-2-2-9**

##### **Donations and gifts; authority to receive**

Sec. 9. The commission is hereby authorized to receive donations, gifts, devises and bequests and to use the same for the purpose of carrying out the provisions of this chapter.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

#### **IC 5-2-2-10**

##### **Title to real estate**

Sec. 10. The title to all real estate donated, given, devised or bequeathed to all real estate purchased or otherwise acquired by the commission shall be good and sufficient, shall be approved by the attorney general, and shall be taken in the name of the State of Indiana.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

#### **IC 5-2-2-11**

##### **Conflict of interest**

Sec. 11. A member of the commission, the architect, or any other person employed by the commission who knowingly is interested in, or knowingly derives any profit from, any contract, employment, or purchase connected with the building or buildings, or with any action of the commission, commits a Class D felony. A member of the commission, the architect, or any person employed by the commission who knowingly is interested in any claim against the commission or the state growing out of the construction of the building or buildings, other than for compensation for services or their expenses as provided in this chapter, commits a Class D felony. *(Formerly: Acts 1971, P.L.43, SEC.1.) As amended by Acts 1978, P.L.2, SEC.502.*

#### **IC 5-2-2-12**

##### **Contracts; form; publication**

Sec. 12. The commission shall not enter into any contract for the purchase or sale of any material or supplies or for the performance of any work or labor other than the salaries of employees, when such material, supplies, work or labor costs are more than ten thousand dollars (\$10,000), without first giving notice of its intention to purchase or sell such material or supplies, or to contract for such work or labor, by publication in some newspaper of general circulation printed and published in the City of Indianapolis, for two (2) successive weeks prior to the time fixed for the letting of any such contract or the purchase or sale of such material or supplies. All such contracts shall be in writing and the other contracting party shall be required to furnish bond for the faithful performance of the terms of such contract, in such amount as may be fixed by the commission and with surety to its approval, and conditioned upon the faithful performance of such contract.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

#### **IC 5-2-2-13 Repealed**

*(Repealed by P.L.4-1988, SEC.5.)*

#### **IC 5-2-2-14**

##### **Revenue debentures; sale**

Sec. 14. (a) For the purpose of providing funds to carry out the provisions of this chapter with respect to the construction and equipment of a building or buildings for use as a law enforcement academy and acquiring or providing a site therefor, the commission

is authorized pursuant to resolution or resolutions to issue and sell interest bearing law enforcement academy revenue debentures in any amount not to exceed three million two hundred thousand dollars (\$3,200,000) and bearing such date or dates, and maturing at such time or times not exceeding forty (40) years from their respective dates, bearing interest at such rate or rates payable semiannually, in such form, carrying such registration privileges payable at such place or places, and may be made subject to redemption prior to maturity in such manner, at such time, and upon such terms with or without premium, all as may be provided by the pertinent resolution and expressed on the face of the respective debentures. Such debentures shall be signed by the chairman of the commission, attested by the secretary, and with the seal of said commission affixed, provided, that the signature of the chairman may be a facsimile thereof imprinted thereon. Interest on said debentures when issued shall be evidenced by attached interest coupons bearing the facsimile of the signatures of said chairman and secretary. Such debentures and the interest coupons thereto attached when issued shall have all the qualities of negotiable instruments under the law merchant and shall be incontestable in the hands of a bona fide purchaser or holder thereof for value, and such debentures and interest thereon shall be exempt from all taxation except the financial institutions tax and estate, inheritance, or gift taxes now or hereafter imposed by law. Such debentures shall be sold at public sale in accordance with the provisions of IC 4-1-5. In determining the amount of such debentures to be issued and sold there may be included the cost of construction, the cost of all land and clearings thereof and improvements thereto, including walks, drives, and other appurtenances, material and labor which are deemed necessary, cost of equipment, financing charges, interest accruing on the debentures prior to and during the construction period, and all other expenses, including legal fees, engineers' and architects' fees, and all other expenses necessary or incident to the construction and equipment of the building or buildings and the acquisition and providing a site therefor. The proceeds of such debentures are hereby appropriated for the purpose for which the debentures may be issued under this chapter and such proceeds shall be deposited and disbursed in accordance with such provisions and restrictions as the commission may provide in the resolution authorizing the issuance thereof. Any debentures issued under the provisions of this chapter may be thereafter refinanced through the issuance of refunding debentures subject to such restrictions or conditions as may be provided in the resolution authorizing the issuance of such debentures in the first instance and in the issuance of such refunding debentures, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the commission in all respects thereto shall be governed by the provisions of this chapter insofar as the same may be applicable.

(b) The debentures issued under the provisions of this chapter shall constitute only the corporate obligations of said commission

payable solely and only from and secured exclusively by pledge of the income and revenue of such building or buildings remaining after payment or provisions for payment of the expenses of operation, maintenance, and repair of said building or buildings to the extent such expenses of operation, maintenance, and repair are not otherwise provided, and it shall be plainly stated on the face of each such debenture that same does not constitute an indebtedness of the state of Indiana within the meaning or application of any constitutional provision or limitation but that it is payable solely and only as to both principal and interest from the net revenues of such building or buildings. The provisions of this chapter and the covenants and undertakings of the commission as expressed in any proceedings preliminary to or in connection with the issuance of the debentures may be enforced by any debenture holder by suit for injunction or mandamus against the commission or any officer, agent, or employee thereof, but in no event can any suit for monetary judgement be brought against the state of Indiana for any violations under the provisions of this chapter.

*(Formerly: Acts 1971, P.L.43, SEC.1.) As amended by P.L.25-1986, SEC.11; P.L.21-1990, SEC.7.*

#### **IC 5-2-2-15**

##### **Construction of buildings; occupancy**

Sec. 15. When any such debentures shall have been issued, the commission shall proceed with the construction and equipment of the building or buildings as promptly as may be, and from and after the date of completion of such building or buildings it shall be available for use and occupancy by the Law Enforcement Training Board. It is hereby represented that the State of Indiana will have a continuing need for use and occupancy of the facilities to be afforded by said building or buildings. The commission and the Law Enforcement Training Board shall enter into appropriate agreements setting forth the terms and conditions of such use and occupancy and the sums agreed to be paid at stated intervals for such use and occupancy. The Law Enforcement Training Board shall not be obligated to continue such use and occupancy and make payments therefor pursuant to any such agreement but shall be entitled and required to vacate the building or buildings if it is shown that the terms and conditions of such use and occupancy and the amount to be paid therefor is unjust and unreasonable considering the value of the services and facilities thereby afforded: Provided, that in determining just and reasonable amounts to be paid for the use and occupancy of the building or buildings, the commission shall be required to impose and collect amounts which in the aggregate will be sufficient to pay the expenses of operation, maintenance and repair of said building or buildings to the extent that such expenses are not otherwise provided and leave a balance of net income and revenues from the building or buildings to pay the interest on the debentures as the same become due and accomplish retirement thereof at or before maturity.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*

**IC 5-2-2-16**

**Compensation for employees and agents**

Sec. 16. The compensation of all employees and agents of the commission shall be affixed by the Law Enforcement Academy Building Commission and approved by the Governor.

*(Formerly: Acts 1971, P.L.43, SEC.1.)*